

Remarks

These Remarks are in reply to the Office Action mailed April 5, 2006.

Claims 1-12 and 47-50 were pending in the Application prior to the outstanding Office Action. The Office Action rejected Claims 1-12 and 47-50. Claims 1-12 and 47-50 remain pending in the application.

The Applicant respectfully requests that the Examiner reconsider the rejection, since it is the Applicants belief that Claims 1-12 and 47-50 are in condition for allowance.

The Examiner in point 4 states "Applicant argues that Bertagnoli et al '842 does not disclose In response to applicant's...". April 5, 2006, Office Action, page 3, point 4, line 1. This is an incomplete sentence. The Examiner is requested to clarify the meaning of this sentence. "In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application". MPEP 707.07(f).

In point 4, the Examiner states "...multiple chisels) are not recited in the rejected claims". April 5, 2006, Office Action, page 3, point 4, lines 2-3. In fact they are recited in the rejected claims (see claims 1, 47 and 49). The Applicant respectfully suggests that the Examiner lacks the necessary familiarity with the claims to make this statement. Further, in point 6 the Examiner indicates a lack of familiarity with the Bertagnoli art cited when stating that "Bertagnoli clearly shows that the blades are parallel". April 5, 2006, Office Action, page 3, point 6, lines 2-3. In fact, the blades are not parallel. See Bertagnoli paragraph [0056].

Claim Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 1-12 and 47-50 were rejected under 35 U.S.C. 102(e) as being anticipated by PG-PUB 2005/0113842 to Bertagnoli et al.(hereinafter "*Bertagnoli*").

Claims 1-12 and 47-50

Claim 1 and 48 include the limitation of a first and a second cutting blade from each of two tines. Since *Bertagnoli* does not disclose "a forked end, each end having two tines, each of said tines having an

inner side and an outer side and each tine having a first and a second cutting blade", *Bertagnoli* does not anticipate Claims 1 and 48.

In point 4 the Examiner states "that the features upon which the applicant relies (i.e., multiple chisels) are not recited in the rejected claim(s)" April 5, 2006, Office Action, page 3, point 4, lines 2-3. The Examiner has either not read or not understood the Applicant's Claims. The Examiner is respectfully requested to withdraw the previous office action.

Claims 2-12 all directly or indirectly depend from independent claim 1, and are therefore believed patentable for at least the same reasons as independent claim 1 and because of the additional limitations of these claims.

Claims 47, 49 and 50

Claims 47, 49 and 50 include the limitation that the first and second cutting blades are parallel to one another.

The Examiner stated that "Bertagnoli clearly shows that the blades and handle are parallel since all elements are parallel to the same axis. Therefore, they are also parallel to each other and to the handle" April 5, 2006, Office Action, page 3, point 6, lines 2-3. Again, the Applicant respectfully disagrees. As shown in Figure 4 and paragraph [0048], "[i]n the expanded configuration, first member 106 and second member 108 are moved away from one another and separated by a distance 110". The distance 110 means that members 106 and 108 cannot be parallel. *Bertagnoli* discloses that in Figure 13, "[c]am surface 202 forms angle 207 with central axis 181" paragraph [0056] fifth sentence. Detailed in the subsequent sentence of paragraph [0056], "[c]am surface 202 forms angle 207" and "... angle 207 is 17.5 degrees". Thus the cutting surface is not parallel to the tool handle. Therefore, *Bertagnoli* does not disclose "wherein the first and second cutting blades are parallel to one another". Accordingly, *Bertagnoli* does not anticipate Claims 47, 49 and 50.

The Examiner has either not read or understood *Bertagnoli*. The Examiner is requested to withdraw the previous office action.

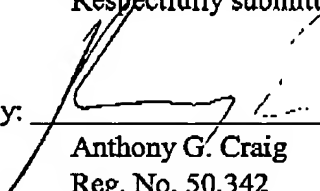
In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the 102(e) rejection.

CONCLUSION

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

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Respectfully submitted,

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